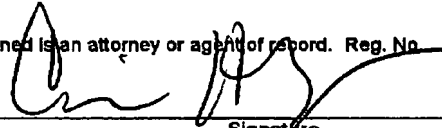
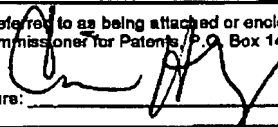


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TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) BGN-A013CN
<p>In re Application of: Jeffrey L. BROWNING <i>et al.</i></p> <p>Application No.: 10/003,211-Conf. #8970</p> <p>Filed: October 31, 2001</p> <p>For: SOLUBLE LYMPHOTOXIN-BETA RECEPTORS AS THERAPEUTIC AGENTS FOR THE TREATMENT OF SYSTEMIC LUPUS ERYTHEMATOSIS</p>	
<p>The owner, <u>Biogen Idec MA Inc.</u>, of <u>100</u> percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of prior patent No. <u>7,255,854</u> as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:</p> <ul style="list-style-type: none"> expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is reissued; or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney or agent of record. Reg. No. <u>55,281</u></p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: center;">  Signature </div> <div style="text-align: center;"> <u>August 16, 2007</u> Date </div> </div> <div style="text-align: center; margin-top: 10px;"> <u>Cristin E. Howley, Ph.D.</u> Typed or printed name </div> <div style="text-align: right; margin-top: 10px;"> <u>(617) 994-0796</u> Telephone Number </div> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 CFR 1.20(d) is included.</p> <p><small>*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.</small></p> <div style="text-align: right; margin-top: 10px;"> 08/20/2007 TNGUYEN2 00000046 100032 1 04 FD 1014 130 00 00 </div>	
<p>I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300 at Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.</p> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="text-align: left;"> Dated: August 16, 2007 </div> <div style="text-align: center;">  Signature: </div> <div style="text-align: right;"> (Cristin E. Howley, Ph.D.) </div> </div>	

AUG 16 2007

Docket No.: BGNA013CN
(PATENT)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:
Jeffrey L. Browning *et al.*

Application No.: 10/003211

Confirmation No.: 6970

Filed: October 31, 2001

Art Unit: 1642

For: *SOLUBLE LYMPHOTOXIN-BETA RECEPTORS
AS THERAPEUTIC AGENTS FOR THE
TREATMENT OF SYSTEMIC LUPUS
ERYTHEMATOSIS*

Examiner: C. H. Yaen

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**SUBMISSION OF TERMINAL DISCLAIMER**

Dear Sir:

In view of previous discussions with the Examiner regarding potential nonstatutory obviousness-type double patenting with respect to pending claims 55, 56, 59-62, and 64 of the instant application over claim 14 of U.S. Patent No. 7,255,854 (to which the instant application claims priority), Applicant hereby submits an executed terminal disclaimer in accordance with 37 C.F.R. 1.321(b) and (c). *The submission of the executed terminal disclaimer is not to be construed as an admission by the Applicant that the present claims are obvious over U.S. Patent No. 7,255,854.*

08/20/2007 TNGUYEN2 00000046 120080 10003211

01 FC:1814 130:00 DA

Application No.: 10/003211

Docket No.: BGNA013CN

Applicants submit herewith authorization to charge our Deposit Account No. 12-0080, under Order No. BGNA013CN from which the undersigned is authorized to draw for the fee associated with the terminal disclaimer under CFR 1.20(d). If any additional fee is due, please charge our Deposit Account No. 12-0080, under Order No. BGNA013CN from which the undersigned is authorized to draw.

Dated: August 16, 2007

Respectfully submitted,

By 

Cristin E. Howley

Registration No.: 55,281

LAHIVE & COCKFIELD, LLP

One Post Office Square

Boston, Massachusetts 02109

(617) 227-7400

(617) 742-4214 (Fax)

Attorney For Applicant

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PTO/SB/97 (09-04)

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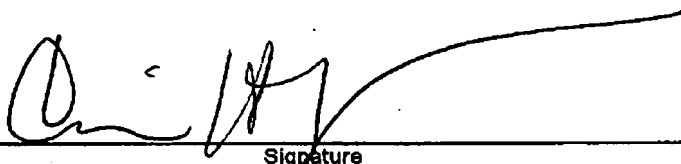
Application No. (If known): 10/003,211

Attorney Docket No.: BGN-A013CN

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818). FEE TRANSMITTAL For FY 2007		Complete if Known Application Number 10/003,211-Conf. #6970 Filing Date October 31, 2001 First Named Inventor Jeffrey L. BROWNING Examiner Name Christopher H. Yaen Art Unit 1643 Attorney Docket No. BGN-A013CN	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27			
TOTAL AMOUNT OF PAYMENT (\$) 130.00			

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
☒ Deposit Account Deposit Account Number 12-0080 Deposit Account Name Lahive & Cockfield, LLP
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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims Extra Claims Fee (\$) Fee Paid (\$) Multiple Dependent Claims Fee (\$) Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims Extra Claims Fee (\$) Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$)

- 100 = /50 = (round up to a whole number) x =

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 1814 Statutory Disclaimer

130.00

SUBMITTED BY		Registration No. 55,281	Telephone (617) 994-0786
Signature		(Attorney/Agent)	
Name (Print/Type)	Cristin E. Howley, Ph.D.	Date	August 16, 2007

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Dated: August 16, 2007

Signature: (Cristin E. Howley, Ph.D.)

AUG 16 2007

FAX TRANSMISSION**DATE:** August 16, 2007**PTO IDENTIFIER:** Application Number 10/003,211-Conf. #6970
Patent Number**Inventor:** Jeffrey L. BROWNING**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** LAHIVE & COCKFIELD, LLP
Cristin E. Howley, Ph.D.**PHONE:** (617) 994-0796**Attorney Dkt. #:** BGN-A013CN**PAGES (Including Cover Sheet):** 8**CONTENTS:** Transmittal (1 page)
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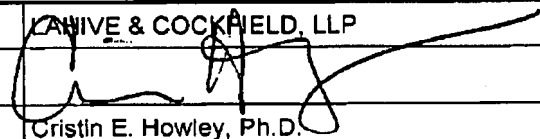
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/003,211-Conf. #6970
	Filing Date	October 31, 2001
	First Named Inventor	Jeffrey L. BROWNING
	Art Unit	1643
	Examiner Name	Christopher H. Yaen
Total Number of Pages in This Submission	Attorney Docket Number	BGN-A013CN

ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input checked="" type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below): Submission of Terminal Disclaimer and Certificate of Fax Transmittal
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	LAHIVE & COCKFIELD, LLP		
Signature			
Printed name	Cristin E. Howley, Ph.D.		
Date	August 16, 2007	Reg. No.	55,281

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(Cristin E. Howley, Ph.D.)